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Secretary for
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California Regional Water Quality Control Board

Santa Ana Region

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Arnold Schwarzenegger
Governor

November 14, 2007

Russell Williams
Department of Transportation (Caltrans)
District 8
464 West Fourth Street, 6th Floor
San Bernardino, CA 92401-1407

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR THE INTERSTATE 10 HIGHWAY PROJECT, CITY OF BEAUMONT, RIVERSIDE COUNTY (CORPS FILE NO. NOT AVAILABLE)

Dear Mr. Williams:

On October 24, 2007, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification), for proposed work on the Interstate 10 (I-10) bridge at Noble Creek and to a drainage culvert near Cherry Valley. These two projects are part of the larger I-10 Highway project near the City of Beaumont. This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) and subsequent Basin Plan amendments:

Project Description: Modifications to the I-10 Bridge at Noble Creek and to a drainage culvert near Cherry Valley. The work is part of a larger rehabilitation project for an 8.2-mile segment of I-10 beginning at the Riverside / San Bernardino County line and extending eastward. The Bridge modifications include widening the interior shoulders of the highway between the westbound and eastbound lanes. This will result in the fill of an existing gap in the bridge between the lanes and the need for additional pile bridge columns in the Creek. In order to address scour occurring in the streambed, an additional pile will be installed on the upstream side of each bridge pier. A trench will be excavated approximately 3.5 feet wide and 3.5 feet deep along each pier, lined with filter fabric, filled with rock slope protection and buried 6-inches below ground surface. A roadside drainage culvert, located east of the Cherry Valley Boulevard Interchange, will have

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rock slope protection placed at its terminus for energy dissipation. The larger rehabilitation project includes pavement rehabilitation, replacement of median barriers, roadbed profile adjustments, replacement of structure approach lane/slabs, and guard rail upgrades. The work that is to occur in waters of the State is located within Sections 5 and 30 of Township 3 South and 2 South and Range 1 West of the U.S. Geological Survey *El Casco, California*, 7.5-minute topographic quadrangle map (Noble Creek: 33.9425 degrees N/-117.002 degrees W; Cherry Valley drainage: 33.9658 N/-117.0289 W).

Receiving Waters: Noble Creek and an un-named ephemeral drainage tributary to San Timoteo Creek.

Fill Area: 0.966 acres of temporary impact, and 0.144 acres of permanent impact to ephemeral wash (approximately 505 linear feet).

Dredge Volume: Not applicable.

Federal Permit: US Army Corps of Engineers Nationwide Permit Nos. 3, 14, and 25.

You have proposed to mitigate water quality impacts as described in your application. The proposed mitigation is summarized below:

Onsite Water Quality Standards Mitigation Proposed:

- Best Management Practices (BMPs) such as straw blankets, silt fencing, and fiber rolls will be employed to prevent the discharge of construction-related pollutants.
- Additional BMPs will be proposed and implemented according to State Water Resources Control Board Order No. 99-06 DWQ.
- Original grade elevations will be restored in Noble Creek.

Offsite Water Quality Standards Mitigation Proposed:

- Permanent streambed fill from the drainage energy dissipater will be compensated for with an in-lieu fee payment to the Inland Empire Resource Conservation District towards the eradication of 0.25 acres of invasive plant species in and adjacent to waters of the State.

This certification addresses impacts to water quality standards associated with the dredging or filling of waters of the United States. Construction and post-construction impacts resulting from the project and use of the roadways are addressed by waste discharge requirements issued to the Caltrans by the State Water Resources Control Board in Order No. 99-06 DWQ. These requirements include the development and implementation of appropriate Best Management Practices for the purpose of removing construction-related and transportation-related pollutants from discharges from Caltrans rights-of-way and easements.

You have submitted an application for coverage under a nationwide permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. You have applied for a Streambed Alteration Agreement with the California Department of Fish and Game. Pursuant to California Environmental Quality Act (CEQA), Caltrans has determined that the project is Statutorily Exempt from requirements of CEQA. The Executive Officer has determined that the project is Categorically Exempt under CEQA Guidelines Section 15301 for repair, maintenance or minor alteration of existing facilities.

This 401 Certification is contingent upon the execution of the following conditions:

1. An in-lieu fee payment must be made to the Inland Empire Resource Conservation District towards the eradication of 0.25 acres of invasive plant species in and adjacent to waters of the State. The payment must include a minimum of 6-years of follow-on maintenance. Evidence of the payment must be provided to the Executive Officer no later than January 14, 2008.

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

Although we anticipate no further regulatory involvement, if the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, we may formulate Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

In response to a suspected violation of any condition of this certification, the Santa Ana Regional Water Quality Control Board (Regional Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate. The burden, including costs, of the reports shall be reasonable in relation to the need for the reports and the benefits to be obtained from the reports.

In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance. Pursuant to California Code of Regulations Section 3857, we will take no further action on your application. Please notify our office five (5) days before construction begins on this project.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 200-0017-DWQ is available at www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf



Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



GERARD J. THIBEAULT
Executive Officer

cc (via electronic message):

U. S. Army Corps of Engineers, Los Angeles Office – Gerry Salas
State Water Resources Control Board, OCC – Erik Spiess
State Water Resources Control Board, DWQ-Water Quality Certification Unit –
Bill Orme
California Department of Fish and Game, Ontario Office – Jeff Brandt
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini
and David Smith

APF: 401/certifications/I-10 bridge 332007-39

